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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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GMA ACCESSORIES, INC.,	:	
	:	
Plaintiff,	:	<b>DECLARATION OF</b>
	:	<b>MELINA SOLNICKI</b>
v.	:	<b>IN SUPPORT OF</b>
	:	<b>MOTION TO</b>
EMINENT, INC., SAKS FIFTH AVENUE, INC.,	:	<b>VACATE DEFAULT</b>
INTERMIX, INC., WINK NYC, INC.,	:	<b>JUDGMENT AND</b>
LISA KLINE, INC., GIRLSHOP, INC.,	:	<b>PERMANENT</b>
SHOWROOM SEVEN STUDIOS, INC.,	:	<b><u>INJUNCTION</u></b>
JONATHAN SINGER, LEWIS TIERNEY and	:	
JONATHAN SOLNICKI,	:	07 CV 3219 (LTS)
	:	
Defendants,	:	
	:	
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Melina Solnicki, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am a member of Charlotte B. LLC ("Charlotte B"), the corporate entity that manufactures and sells clothes and accessories using the mark CHARLOTTE SOLNICKI. My brother, Jonathan Solnicki ("Jonathan"), is also a member of Charlotte B and is one of the named defendants in this action. I submit this declaration in support of Jonathan's motion to vacate the default judgment and order of permanent injunction entered by this Court on August 29, 2007. Other than as expressly set forth, I have personal knowledge of all facts set forth herein.

2. I am told that the Court has issued a default judgment and a permanent injunction in this case. I have been told that this means that my brother, the defendant Jonathan Solnicki, can no longer defend himself against the charges asserted against him by the plaintiff GMA Accessories, Inc. I am also advised that the injunction states that “all those acting in concert or active participation with [Jonathan Solnicki] who receive actual notice of [the order]” can no longer use the name CHARLOTTE SOLNICKI in connection with the sale, purchase, marketing, advertising or distribution of clothing and accessories as we have been doing since 2002 through the company that we operate, Charlotte B, LLC (“Charlotte B”).

3. The Default should be vacated for several reasons.

4. I am 30 years old and was born and raised in Buenos Aires, Argentina. Spanish is my native language. I came to New York to study when I was 18 years old and attended classes at NYU and then at Fashion Institute of Technology (“FIT”), where I received a degree in communications with a minor in fashion. I have lived in New York for most of the past 11 years on student and work visas. I am not a U.S. citizen.

5. In 2002, I formed a company with my brother Jonathan and my sister Jessica called Charlotte B, LLC (“Charlotte B”) and began selling original clothing designs using the mark CHARLOTTE BAREGMAN. We later changed the brand name to CHARLOTTE B and then to CHARLOTTE SOLNICKI.

6. CHARLOTTE SOLNICKI clothing and related accessories are sold in numerous retail locations across the United States and around the world and through many retail websites. Charlotte B’s sales of CHARLOTTE SOLNICKI product in the United States since 2002 have exceeded \$4 million. CHARLOTTE SOLNICKI clothing

and related accessories are sold in numerous high end retail locations across the United States and around the world and through many retail websites.

7. CHARLOTTE SOLNICKI products are manufactured with top quality materials and workmanship and are sold at a relatively high price point.

8. The CHARLOTTE SOLNICKI brand is well-known in the fashion industry, and the brand has obtained a great deal of unsolicited press coverage since at least as early as 2004 in numerous renowned publications, including Entertainment Weekly, Esquire, Elle, Cosmopolitan, In Touch Weekly, In Style, Star, US Weekly, W, Vogue, Shape, Self, People, the New York Times, the New York Post, the New York Daily News, and Lucky. Attached hereto as Exhibit 1 are true and correct copies of just some of the press coverage the brand has received over the years.

9. CHARLOTTE SOLNICKI clothing and accessories have been worn by numerous well-known celebrities, including Jessica Simpson, Paris Hilton, Eva Longoria, Lindsay Lohan, Jennifer Lopez, Cate Blanchett, Brandy, Tara Reid, Paz Vega, Brook Hogan, and Lauren Conrad, further bolstering the brand's fame and popularity. Attached hereto as Exhibit 2 are photographs of some of the above-named individuals wearing CHARLOTTE SOLNICKI clothing.

10. For the past three years I have lived at an apartment located at 108 West 15<sup>th</sup> Street, Apartment 6C, in Manhattan, New York (the "Apartment"). That Apartment was leased for me by my brother, Jonathan. Jonathan lives in Buenos Aires, not New York. Jonathan does not now, and never did, reside at the Apartment.

11. Sometime this past May while at home in the Apartment, I received a by hand delivery of some legal papers that were addressed to my brother. At that time, I was aware that my brother was having a dispute with the landlord of the Apartment. The

landlord had learned that Jonathan was not living in the apartment and sought to terminate the lease because Jonathan was not living there. Because the papers were addressed to my brother, I did not look at them. However, I believed that the legal papers concerned the dispute that my brother was having with the landlord. I had no idea that the papers were connected to any dispute relating to our apparel company, Charlotte B.

12. Shortly after receiving the papers, I told my brother that some legal papers were delivered for him. I brought the papers to the showroom where I operate my company and asked an assistant to have the papers delivered to Jonathan in Argentina. That was the last time I saw the papers. I understand that Jonathan never received them. I have searched through my files and cannot locate the papers.

13. I did not learn about this lawsuit, and in particular the default judgment and injunction, until sometime in August 2007 when one of the retailers that we do business with asked about it and expressed concern that orders would have to be cancelled in light of the injunction contained in the Default.

14. I have never been involved in a lawsuit of any kind before this case.

15. I was not aware of GMA Accessories, Inc. ("GMA") or its products until early September 2007 when I learned of this lawsuit. At that time, it came to my attention that GMA owned some trademark registrations for CHARLOTTE and CHARLOTTE & FRIENDS. These marks are collectively referred to as the "GMA Marks."

16. Although I have been heavily involved in the fashion industry for virtually my entire adult life, I was not aware of the GMA Marks prior to learning about this lawsuit. In addition, despite the widespread use of the CHARLOTTE SOLNICKI mark, I am not aware of any instances of confusion between the CHARLOTTE SOLNICKI brand and GMA. For example, I have never received any inquiries or communications

that were mistakenly directed to me instead of GMA, and no one has ever contacted me or my showroom looking for GMA products.

17. To this day, even though I am now aware of GMA's allegation that it sells various products using the CHARLOTTE mark, I have never seen any of GMA's products. I have certainly never copied any of GMA's designs or tried to pass my products off as GMA products.

18. It is very common in the fashion industry for designers to have the same first or last names as other designers, and to use those names as trademarks. For instance, Christian Dior, Christian Lacroix and Christian Louboutin are all trademarks that are used in the fashion industry, as are Tommy Hilfiger and Tommy Bahama. Ralph Lauren, Sage Lauren, Dena Lauren, and Lauren Scott also coexist in the fashion marketplace, as do the marks Giorgio Armani, Giorgio Kauten, Giorgio Ferraro and Giorgio Bissoni, as well as Rebecca Beeson and Rebecca Taylor. Similarly, Calvin Klein and Anne Klein both use the same last name as part of their trademarks. Additionally, Emilio Pucci and Emilio Cavallini are famous designers that share the same first name, as do Cynthia Steffe and Cynthia Rowley and Kai Kuhne and Kai Milla. Moreover, designers such as Brian Reyes coexist in the fashion marketplace with Reyes. Numerous other designers have the same first or last names in addition to the examples named herein.

19. I am also aware of other uses of the first name, CHARLOTTE, in the fashion industry that are used as part of a trademark. For example, Charlotte Russe, Charlotte Tarantola, and Charlotte Ronson sell apparel and jewelry, among other products.

20. I have worked extremely hard to develop my business since it started in 2002. I have literally devoted all of my energy to the success of Charlotte B. This

lawsuit is causing severe financial harm to the business and without an opportunity to defend against these baseless allegations on the merits, the company will be irreparably harmed.

21. I am advised that these factors, in addition to the arguments set forth in the accompanying Memorandum of Law, demonstrate that Jonathan and Charlotte B have not engaged in any unlawful activity.

22. Accordingly, the Default should be vacated.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 25, 2007  
New York, New York

s/ Melina Solnicki  
Melina Solnicki